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14 Attorneys for Defendant
15 Continuing Education Coordinating Board For
16 Emergency Medical Services

17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

19 TARGETSAFETY.COM, INC., a California
20 corporation,

21 Plaintiff,

22 v.

23 CONTINUING EDUCATION COORDINATING
24 BOARD FOR EMERGENCY MEDICAL
25 SERVICES, INC., a Missouri non-profit corporation
26 and DOES 1-10,

27 Defendants.
28

) Case No.: 08-CV-0994-JLS-JMA

) **NOTICE OF WITHDRAWAL OF**
) **DOCUMENT**

) Complaint Filed: June 4, 2008

1 On August 8, 2008, Defendant CECBEMS electronically filed the a document in error. The
2 document was entered as Document No. 17, entitled Affidavit in Opposition re [4] Motion for
3 Preliminary Injunction by Elizabeth Sibley re: TRO. The document incorrectly submitted is attached
4 hereto and should be removed from the record as Document No. 17. Defendant CECBEMS will
5 immediately file the correct document.

6 Dated: August 11, 2008

DUANE MORRIS LLP

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Continuing Education Coordinating Board For
10 Emergency Medical Services
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 14 **TARGETSAFETY.COM, INC.,** a California
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18 **CONTINUING EDUCATION COORDINATING**
BOARD FOR EMERGENCY MEDICAL
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 19 and DOES 1-10,

20 Defendants.

Case No.: 08-CV-0994-JLS-JMA

**NOTICE OF MOTION AND MOTION
 TO DISMISS ACTION FOR LACK OF
 GENERAL OR SPECIFIC
 JURISDICTION, TO DISMISS
 SECOND CAUSE OF ACTION AND
 TO CHANGE VENUE**

Date: October 16, 2008

Time: 1:30 p.m.

Dept: 6

Judge: Janis L. Sammartino

Complaint Filed: June 4, 2008

21
 22
 23 Please take notice that on October 16, 2008, Defendant CECBEMS shall move, and hereby
 24 does move for an order dismissing plaintiff's complaint for lack of personal jurisdiction over
 25 CECBEMS. Alternatively, CECBEMS moves for an order that venue is improper in this district,
 26 and transferring venue to the Northern District of Texas, Dallas Division. Finally, if personal
 27 jurisdiction and venue exist in this district, CECBEMS moves for an order dismissing plaintiff's
 28 second cause of action for failure to state a cause of action. These motions shall be and are based on

DM1\1375586.1

NOTICE OF MOTION AND MOTION TO DISMISS ACTION FOR LACK OF GENERAL OR SPECIFIC JURISDICTION,
 TO DISMISS SECOND CAUSE OF ACTION
 CASE NO.: 08-CV-0994-JLS-JMA

1 Fed. R. Civ. P. 12 (b)(1), Fed. R. Civ. P. 12(b)(2), Fed. R. Civ. P. 12(b)(3), and Fed. R. Civ. P.
2 12(b)(6), the accompanying memorandum of points and authorities and declarations, and the
3 evidence contained in the files of this action before the court.

4 1. Defendant requests this Honorable Court grant its Motion to Dismiss Plaintiff's
5 Complaint For Lack of General or Specific Jurisdiction over CECBEMS;
6

7 2. In the alternative, if personal jurisdiction exists, Defendant requests this Honorable
8 Court grants its Motion for Change of Venue;

9 3. In the alternative, if personal jurisdiction exists, Defendant requests this Honorable
10 Court grant its Motion to Dismiss Plaintiff's Second Cause of Action for Breach of Contract.

11 Dated: August 8, 2008

DUANE MORRIS LLP

12
13 By: s/Keith Zakarin
14 Keith Zakarin
15 Attorneys for Defendant
16 Continuing Education Coordinating Board For
17 Emergency Medical Services
18 E-mail: kzakarin@duanemorris.com
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DECLARATION OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Targetsafety.com, Inc. v. CECBEMS, Inc.*
Case No.: 08-CV-0994 JLS (JMA)

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 101 West Broadway, Suite 900, San Diego, California 92101. On the date listed below, I served the document(s) entitled:

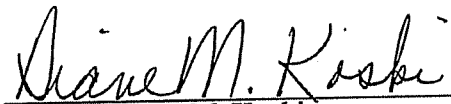
**NOTICE OF MOTION AND MOTION TO DISMISS ACTION FOR LACK
OF GENERAL OR SPECIFIC JURISDICTION, TO DISMISS SECOND
CAUSE OF ACTION AND TO CHANGE VENUE**

☒ via electronic service to the attorneys of record on file with the U.S. District Court for this case, as follows:

Frank L. Tobin, Esq. Attorneys for Plaintiff
Mathieu G. Blackston
Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, CA 92101
Phone: 619-238-1900
Fax: 619-235-0398

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed August 8, 2008, at San Diego, California.


Diane M. Koski

DECLARATION OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Targetsafety.com, Inc. v. CECBEMS, Inc.*
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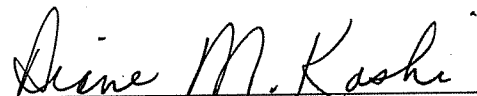
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Executed August 11, 2008, at San Diego, California.


Diane M. Koski